

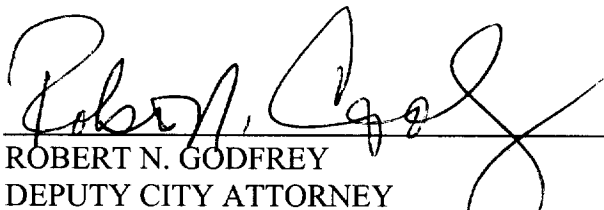
01- *R*-0051

Entered - 10/24/00 - sb
CL00L0640 - DIANNE C. MITCHELL

CLAIM OF: **LOUIS E. WHITTED**
1739 Rogers Avenue, SW
Atlanta, Georgia 30310

For damages alleged to have been sustained as a result of property damage due to a fallen tree on September 21, 2000 at 1739 Rogers Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL


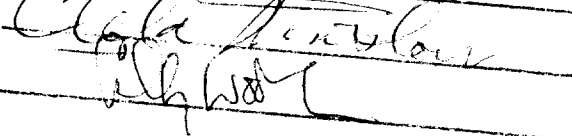
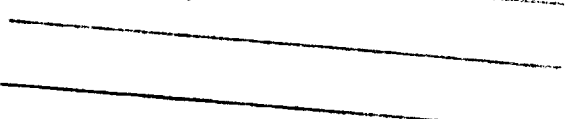




APR 16 2001

ADVERSE REPORT

COM. P.S. & h.A.

DATE 1/16/01

CH. C. T. Martin



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 26, 2001

Louis E. Whitted
1739 Rogers Avenue, SW
Atlanta, GA 30310

01-R-0051

Dear Ms. Whitted:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0640

Date: December 27, 2000

Claimant /Victim LOUIS E. WHITTED

BY: (Atty)(Ins. Co.) _____

Address: 1739 Rogers Avenue, SW, Atlanta, Georgia 30310-2309

Subrogation: Claim for Property damage \$ 760.00 Bodily Injury \$ _____

Date of Notice: 10/12/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/21/00 Place: 1739 Rogers Avenue, SW

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's property was damaged when high winds caused a tree to fall from the right-of-way and strike his house. The City had no notice of any problems associated with the tree prior to the incident involving the claimant. The City is immune from liability for incidents of this nature pursuant to O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

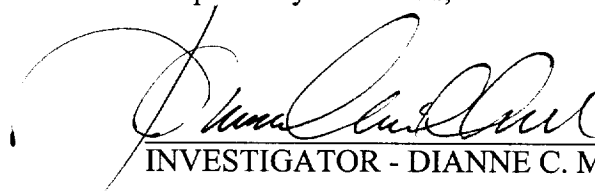
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 12-27-00

Committee Action: _____ Council Action _____

RCS# 2563
1/16/01
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT	
01-R-0013	01-R-0024		
01-R-0014	01-R-0025	YEAS:	13
01-R-0015	01-R-0026	NAYS:	0
01-R-0016	01-R-0027	ABSTENTIONS:	0
01-R-0017	01-R-0044	NOT VOTING:	3
01-R-0018	01-R-0045	EXCUSED:	0
	01-R-0047	ABSENT	0
01-R-0019	01-R-0048		
01-R-0020	01-R-0049		
01-R-0021	01-R-0050		
01-R-0022	01-R-0051	01-R-0052	

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE